

# S U M M A R Y   A C T I O N   M I N U T E S



## REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

*Tuesday, November 4, 2003, 9:30 A.M.*

BOARD HEARING ROOM, FIRST FLOOR  
10 Civic Center Plaza  
Santa Ana, California

**THOMAS W. WILSON**  
CHAIRMAN  
Fifth District

**JAMES W. SILVA**  
VICE CHAIRMAN  
Second District

**CHARLES V. SMITH**  
SUPERVISOR  
First District

**BILL CAMPBELL**  
SUPERVISOR  
Third District

**CHRIS NORBY**  
SUPERVISOR  
Fourth District

ATTENDANCE: Supervisors: Smith, Silva, Norby and Wilson

EXCUSED: Supervisor: Campbell

PRESENT:	COUNTY EXECUTIVE OFFICER	James D. Ruth
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Norby, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Silva, Second District, led the assembly in the Pledge of Allegiance

### **I. PRESENTATIONS/INTRODUCTIONS**

Chairman Wilson presented a resolution proclaiming November 2003 as "National Adoption Awareness Month"

Chairman Wilson and Vice Chairman Silva presented resolutions proclaiming November 15, 2003 as "America Recycles Day"

Chairman Wilson presented a resolution proclaiming November 2003 as "National Family Caregiver's Month"

### **II. CONSENT CALENDAR (Items 1-24)**

12345 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 18 WHICH WAS**  
X **CONTINUED TO 12/9/03, 9:30 A.M.; AND ITEM 23 WHICH WAS DELETED**

### **BOARD APPOINTMENTS**

1. **Supervisor Smith** - Emergency Medical Care Committee - Reappoint Mark Waldo, Santa Ana, for term ending 6/30/05

# **S U M M A R Y   A C T I O N   M I N U T E S**

## **CHILD SUPPORT SERVICES**

2. Authorize transfer of 352 surplus personal computers to Los Angeles County Child Support Services Department - All Districts

## **HEALTH CARE AGENCY**

3. Approve assignment of agreement with Beverly Enterprises, Inc. to Riverside Sanitarium, LLC dba Country Villa Riverside Healthcare Center for mental health long term care services, effective 10/1/03 - All Districts
4. Approve grant agreement HMECA3033-110 with Governor's Office of Emergency Services for hazardous materials emergency preparedness, 10/1/03 - 9/30/04 (\$10,000) - District 3
5. Approve agreement with Latino Center for Prevention and Action in Health and Welfare, dba Latino Health Access for Latino Elder Access to Health Care services, 11/1/03 - 10/31/04 (\$272,333) - All Districts
6. Adopt resolution approving grant agreement EA14-03-35 with California Integrated Waste Management Board for enforcement assistance, 7/1/03 - 6/30/04 (\$46,832) - All Districts  
*RESO: 03-345*

## **INTEGRATED WASTE MANAGEMENT DEPARTMENT**

7. Approve agreement with Greenday Disposal Inc., for hauling of waste disposal - All Districts

## **JOHN WAYNE AIRPORT**

8. Approve amended price agreement N1000003156 with ChemTreat, Incorporated for nonacid water treatment services, 11/15/03 - 11/14/05 (\$60,000; new total \$150,000) - District 2

## **PLANNING AND DEVELOPMENT SERVICES**

9. Approve Standard Agreement 03-JHBP-094 with State Department of Housing and Community Development for Jobs Housing Balance Incentive Grant Program, 6/25/03 - 6/30/06 (\$495,772) - All Districts

## **PUBLIC FACILITIES AND RESOURCES DEPARTMENT**

10. Approve amended agreement No. S0400-0013 replacing Robert Norman Fielding with Newcastle Development for completion of improvements and monumentation, Parcel Map 91-108; and accept substitution of securities, North Tustin area - District 3
11. Authorize release of cash security and completion of traffic signal installation at Antonio Parkway and O'Neill Drive, Tracts 15987 and 16156, DMB Ladera, LLC, Ladera Ranch area - District 5
12. Authorize release of cash security and completion of traffic signal installation at Antonio Parkway and Station Way, Tract 15619, DMB Ladera, LLC, Ladera Ranch area - District 5
13. Authorize release of security for private street improvements, street lights and monumentation, Tract 15333, The Irvine Company, Newport Coast area - District 5

# S U M M A R Y   A C T I O N   M I N U T E S

14. Authorize Auditor-Controller to pay \$238,661.30 to Swinerton Builders for total cost settlement of construction to Rancho Potrero Leadership Academy - District 3
15. Declare 796.4 square feet parcel surplus; approve quitclaim deed and offer and agreement to purchase real property with James E. Dulebohn & Elizabeth Dulebohn, Lemon Heights area (\$3,743); and make California Environmental Quality Act findings - District 3
16. Approve right of way agreement with and grant easement deeds to State Department for Transportation of installation and maintenance of underground drainage pipeline, Aliso Creek, Laguna Beach; and make California Environmental Quality Act findings - District 5
17. Approve Communications Site License agreement with Southern California Edison and Verizon Wireless for a wireless communications facility, Laguna Coast Wilderness Park - District 5 (4/5 vote)
18. Approve agreement D03-047 with Santa Ana for phase-out of annual reimbursement to City for Centennial Park - District 1
- 12345 CONTINUED TO 12/9/03, 9:30 A.M.  
X

## SOCIAL SERVICES AGENCY

19. Approve Memorandum of Understanding CMZ2803 with Housing Authority of the City of Santa Ana for Family Unification Program, 11/1/03 - 10/31/05 - All Districts

## PUBLIC PROTECTION

20. **Sheriff-Coroner** - Adopt resolution approving submission of grant application to Governor's Office on Service and Volunteerism for Community Emergency Response Team Program, FFY 2003 (\$73,945); and authorize Sheriff-Coroner or designee to execute related documents - All Districts  
*RESO: 03-346*

## GENERAL ADMINISTRATION

21. **County Counsel** - Approve amended Hearing Panel for the Solid Waste Local Enforcement Agency Bylaws removing Vice-Chairman from membership - All Districts

### **County Executive Office:**

22. Approve amended price agreement Y1000000504 with American Management Systems, Inc. for perpetual software license (\$32,325; new total \$328,098.75) - All Districts (Continued from 10/21/03, Item 41; 10/28/03, Item 26)
23. Approve agreements 03-016FA with Sperry Capital, Inc. as financial advisor (\$35,000) and 03-017BC with Orrick, Herrington & Sutcliffe LLP as bond counsel (\$120,000) for Civic Center cogeneration conversion project and Data Center photovoltaic system, until 12/31/05- District 1 (Continued from 10/28/03, Item 25)
- 12345 DELETED  
X
24. Approve agreement with Mayer Brown, Rowe & Maw for State Legislative Advocate services, 2/14/04 - 12/31/04 - All Districts

# **S U M M A R Y   A C T I O N   M I N U T E S**

END OF CONSENT CALENDAR

# S U M M A R Y   A C T I O N   M I N U T E S

## III. DISCUSSION ITEMS (Items 25-S37A)

### HEALTH CARE AGENCY

25. Receive and file Tobacco Settlement Outcome Report for FY 2002-03 - All Districts  
21345 **APPROVED AS RECOMMENDED**  
X
26. Approve amended master agreement with various providers for Adult Mental Health Inpatient services, 7/1/03 - 6/30/04 (\$230,000; new total \$686,099); approve amended agreements with College Hospital Costa Mesa, College Hospital Cerritos and Aurora Charter Oak, LLC for Mental Health Inpatient services to adolescents and children, 7/1/03 - 6/30/04 (\$230,000 decrease; new total \$1,030,000) - All Districts  
14235 **APPROVED AS RECOMMENDED**  
X
27. Approve amended master agreements for Substance Abuse Crime Prevention Act services (\$929,648 reduction; new total \$13,729,936) and amendment 3 for Parolee Substance Abuse Treatment Network services (\$24,464; new total \$937,266) for FY 2003-04; and authorize Director or designee to execute individual agreements - All Districts  
41235 **APPROVED AS RECOMMENDED**  
X
28. Approve agreements with College Community Services, Inc., 12/1/03 - 6/30/04 (\$2,213,322) and 7/1/04 - 6/30/05 (\$3,243,334), Pacific Clinics, 12/1/03 - 6/30/04 (\$2,149,760) and 7/1/04 - 6/30/05 (\$3,685,849) and Orange County Association for Mental Health dba Mental Health Association of Orange County, 12/1/03 - 6/30/04 (\$1,314,524) and 7/1/04 - 6/30/05 (\$1,827,063); approve amendment 2 to agreement with Latino Psychological and Social Services Corporation, 7/1/03 - 6/30/04 (\$226,072; new total \$2,310,610); approve amended agreement with Royale Health Care Center, Inc., extending term to 6/30/04 (\$8,322,147; new total \$13,789,422), and FYs 04-06 (\$13,789,422 per year) for Mental Health Outpatient, Inpatient and CalWORKs services - All Districts  
41235 **APPROVED AS RECOMMENDED**  
X

### HOUSING AND COMMUNITY SERVICES DEPARTMENT

29. Approve amendment 9 to agreement 45 with Orange County Transportation Authority for Older Americans Act services, extending to 6/30/04 (\$211,722; new total \$431,728) - All Districts  
12345 **APPROVED AS RECOMMENDED**  
X

### INTEGRATED WASTE MANAGEMENT DEPARTMENT

30. Waive irregularities in bid submitted by CJW-Macro Z Technology Joint Venture; receive bids and award contract to CJW-Macro Z Technology Joint Venture for construction of facilities improvement, Prima Deshecha Landfill (\$528,218) - District 5  
51234 **APPROVED AS RECOMMENDED**  
X

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## JOHN WAYNE AIRPORT

31.      Approve leases with United Parcel Company and Federal Express Corporation for all cargo air service operations; and make California Environmental Quality Act and other findings - District 2

21345      **APPROVED AS RECOMMENDED**

X

## ORANGE COUNTY PUBLIC LIBRARY

32.      Authorize submission of grant application to and acceptance of grant award from California State Library for Library Services and Technology Act Staff Education Program, FY 2003-04 (\$14,900) - All Districts

14235      **APPROVED AS RECOMMENDED**

X

## PUBLIC FACILITIES AND RESOURCES DEPARTMENT

33.      Receive bids and award contract to ACCO Engineered Systems for replacement of chiller equipment and installation of common chilled water distribution header, Central Utility Facility, Santa Ana (\$1,832,165) - District 1

14235      **APPROVED AS RECOMMENDED**

X

34.      **Orange County Flood Control District** - Approve Agreement No. D03-024 with AKM Consulting Engineers for design and construction support of Haster Pump Station and regarding of Haster Retarding Basin (\$927,000) - District 1

12345      **APPROVED AS RECOMMENDED**

X

## GENERAL ADMINISTRATION

### **County Executive Office:**

35.      Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts

42135      **MOTION TO DIRECT STAFF TO OPPOSE ANY LEGISLATION THAT WOULD**  
NXN      **EXPAND THE NUMBER OF MEMBERS ON ORANGE COUNTY**  
            **TRANSPORTATION AUTHORITY BOARD (SB710) FAILED TO CARRY**

B.O.      **DISCUSSED**

36.      Approve acceptance of grant award from U.S. Department of Justice, Office of Justice Programs for Safe Havens: Supervised Visitation and Safe Exchange Grant Program (\$342,206) - All Districts

21345      **APPROVED AS RECOMMENDED**

X

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37. Authorize negotiations with Mercer Investment Consulting for investment consultant services for assistance with County's Defined Contribution Programs and 3121 Defined Benefit Plan; and return to the Board for approval of resultant contract - All Districts

12345 **APPROVED AS RECOMMENDED**  
X

- S37A. **Chairman Wilson** - Approve amendment to agreement 03-018FA with First Southwest Company for financial analysis of proposed Toll Road merger

52134 **APPROVED AS RECOMMENDED**  
X

## **IV. PUBLIC HEARINGS (Items 38-39)**

### **PLANNING AND DEVELOPMENT SERVICES**

38. Public Hearing to consider adopting resolution approving Zone Change ZC03-01; adopting "An Ordinance of the County of Orange, California, Adopted Pursuant to the State Planning and Zoning Laws, Amending the Orange County Zoning Map by Rezoning Certain Land from 100-E4 "Small Estates" District to E4 "Small Estates" District in Accordance with the Orange County Zoning Code (ZC 03-01)"; filed by John Katnik to create 14 residential lots, unincorporated North Tustin area; and make California Environmental Quality Act and other findings - District 3

B.O. **CLOSED PUBLIC HEARING**

54123 **APPROVED AS RECOMMENDED**  
X

*RESO: 03-347*

*ORD: 03-015*

### **GENERAL ADMINISTRATION**

39. **County Executive Office** - Public Hearing to consider adopting resolution authorizing Southern California Home Financing Authority to issue single family mortgage revenue bonds to fund Home Mortgage Finance Program; and make appropriate findings - All Districts (Closed Public Hearing, Continued from 10/28/03, Item 45)

21345 **APPROVED AS RECOMMENDED**  
XN

*RESO: 03-348*

## **V. CLOSED SESSION (Items CS-1-SCS-3)**

### **County Counsel:**

- CS-1. Closed Session CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b):

Number of Cases: One Case

B.O. **CONTINUED TO 11/18/03, 9:30 A.M.**

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- CS-2.            Closed Session CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -  
Pursuant to Government Code Section 54956.9(a):  
Name of Case: Student v. Capistrano USD and Orange County Health Care Agency,  
California Special Ed. Hearing Office Case No. SN03-01674
- B.O.            **HELD, THE CLERK READ: THE BOARD BY UNANIMOUS VOTE, SUPERVISOR  
CAMPBELL BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE  
CASE OF STUDENT V. CAPISTRANO USD AND ORANGE COUNTY HEALTH  
CARE AGENCY. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL  
APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT  
BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF  
COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**
- SCS-3.           Closed Session CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION -  
Pursuant to Government Code Section 54956.9(a):  
Name of Case: In re House2Home, U.S. Bankruptcy Court Case No. SA 01-19244 JB  
**HELD, THE CLERK READ: THE BOARD BY UNANIMOUS VOTE, SUPERVISOR  
CAMPBELL BEING ABSENT, AUTHORIZED COUNTY COUNSEL TO EXECUTE A  
TOLLING AGREEMENT IN THE HOUSE2HOME BANKRUPTCY.**

## **VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT**

### **PUBLIC COMMENTS:**

Charles Griffin, William C. Turner, Ralph Morgan, Jr., William Kearns and George Margolin - Oral Re:  
Opposition of annexation of MCAS El Toro property to Irvine and air transportation needs in Orange County.

Andrew Brooks - Oral Re: Cowan Heights planning problems

Larry Laven - Oral Re: Toll Road fines

Alma Ramirez - Oral Re: Rental conditions in Orange County

### **BOARD COMMENTS:**

James W. Silva - Oral Re: Directed PDSO staff to provide the Board with a status report on Code Enforcement Program in Orange County on December 9, 2003 and to provide the Board with recommendations for eliminating backlogs of complaints that may exist.

### **ADJOURNED: 12:01 P.M.**

25134    Adjourned in memory of Gwen Peterson  
X



# S U M M A R Y   A C T I O N   M I N U T E S

\*\*\* KEY \*\*\*

## *Left Margin Notes*

- 1. = Supervisor Smith
- 2. = Supervisor Silva
- 3. = Supervisor Campbell
- 4. = Supervisor Norby
- 5. = Chairman Wilson

- A. = Abstained
- X. = Excused
- N. = No
- BO = Board Order

## *Right Margin Notes*

- O. = Ordinance
- R. = Resolution

*Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)*

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*THOMAS W. WILSON, CHAIRMAN  
Orange County Board of Supervisors*

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*DARLENE J. BLOOM  
Orange County Clerk of the Board*